On March 8, 2021, the CCF launched a legal challenge of the federal quarantine hotel requirement. Joining the CCF as applicants are five other individuals who wish to fight this unjustified limit on their Charter-protected rights to enter Canada. Forcing Canadians to pay up to $2,000 out of pocket for hotel expenses cannot be justified when more proportional response to the COVID-19 pandemic are possible. They are unnecessary when piled on top of existing requirements, like the requirements for multiple tests and to quarantine in your own home for 14 days. Some health measures are necessary to combat COVID-19, but these quarantine hotels get the balance wrong. We can prevent the spread of COVID-19 while still protecting the fundamental rights of Canadians.

The individual applicants in the challenge brought by the CCF are all travelling for compassionate reasons. For example, three applicants wish to attend to the end of the life of parent in another country. One applicant left Canada to attend a funeral, and another needs to travel to assist a spouse resident in another country while she undergoes surgery. While there are exemptions from the quarantine hotels for travelers entering Canada for compassionate reasons, there are no specific exemptions for travellers who must leave Canada for compassionate reasons.

The CCF is challenging the quarantine hotel policy on the grounds that it is a violation of the Charter protected right to enter Canada (s. 6), the Charter protected right to liberty (s. 7), the Charter protected right to be free from arbitrary detention (s. 9), and the Charter protected right to be free from cruel and unusual punishment (s. 12). The CCF is seeking an urgent injunction, a declaration that the quarantine requirement is unconstitutional, and monetary damages in the amount of the estimated hotel costs.

The CCF is represented by Toronto lawyer Jonathan Roth.

On July 5, 2021 a decision was announced. See our full release (https://theccf.ca/ccf-considering-next-steps-in-hotel-quarantine-case/).

Quarantine prison hotel challenge

CCF Launch: March 8, 2021
Jurisdiction: Federal
Status: Closed
Next Key Date: TBA

Related Press Releases:

- CCF considering next steps in hotel quarantine case (https://theccf.ca/ccf-considering-next-steps-in-hotel-quarantine-case/)
- Release: Canadian Constitution Foundation achieves victory in quarantine hotel challenge for compassionate travel (https://theccf.ca/release-ccf-achieves-victory-in-quarantine-hotel-challenge-for-compassionate-travel/)
- Quarantine hotel court case should matter to all Canadians (https://theccf.ca/quarantine-hotel-court-case-should-matter-to-all-canadians/)
- Canadian Constitution Foundation to proceed with hearing on constitutional challenge in quarantine hotel case (https://theccf.ca/ccf-to-proceed-with-hearing-on-constitutional-challenge-in-quarantine-hotel-case/)
- Canadian Constitution Foundation in court today to stop federal quarantine hotels (https://theccf.ca/canadian-constitution-foundation-in-court-today-to-stop-federal-quarantine-hotels/)
- Canadian Constitution Foundation launches legal challenge of federal quarantine hotel policy (https://theccf.ca/canadian-constitution-foundation-launches-legal-challenge-of-federal-quarantine-hotel-policy/)

Main Documents & Files:

- Factum-Applicants-CCF-et-al.-15-MAR-2021.pdf (https://theccf.ca/wp-content/uploads/Factum-Applicants-CCF-et-al.-15-MAR-2021.pdf)